

(2018) 09 DEL CK 0076

In the Delhi High Court

Case No : Criminal Miscellaneous Case No.4098 Of 2018

M/S Ambience Commercial Developers

APPELLANT

Vs

State & Anr

RESPONDENT

Date of Decision : 10-09-2018

Acts Referred:

Indian Penal Code, 1860 — Section 120B, 403, 406, 409, 420

Citation : (2018) 09 DEL CK 0076

Hon'ble Judges : Sanjeev Sachdeva, J

Bench : Single Bench

Final Decision : Allowed

Judgement

SANJEEV SACHDEVA, J. (ORAL)

1. The petitioner seeks quashing of FIR 398/2015 under Sections 380/403/406/409/420/120B IPC, Police Station Vasant Kunj.

2. The subject FIR was registered on the complaint of the respondent no.2 on the ground that he had approached the petitioner for taking commercial

space on rent on the ground floor, however, what was allotted was the lower ground floor. Respondent no.2 had paid a sum of Rs.35 lacs to the

petitioner apart from spending substantial amount on the renovation of their showroom.Â

3. Parties have settled their disputes and a Settlement Agreement dated 10.08.2018 has been executed between the parties.Â As per the settlement,

the petitioner has agreed to pay a sum of Rs.55,00,000/- in full and final claim of respondent no.2 against the petitioner and its officers.Â Â

4. The authorised representative of the respondent No.2 is present in person. He submits that on receipt of the said amount all claims of respondent

No.2 with regard to the subject dispute against the petitioner as well as its employees, directors and officers have been settled. A pay order in the sum of Rs.55 lakhs has been handed over in Court and accepted by respondent No.2. He further submits that he does not wish to press the complaint against the petitioner any further and has no objection in case the subject FIR is quashed.

5. In view of the fact that the parties have resolved their disputes and respondent No. 2 does not wish to press his complaint, continuation of criminal proceedings will be an exercise in futility and justice in the case demands that the dispute between the parties is put to an end and peace is restored; securing the ends of justice being the ultimate guiding factor. It would be expedient to quash the subject FIR and the consequent proceedings emanating therefrom.

6. In view of the above, the petition is allowed. FIR 398/2015 under Sections 380/403/406/409/420/120B IPC, Police Station Vasant Kunj and the consequent proceedings emanating therefrom are, accordingly quashed.

7. Order Dasti under signatures of the Court Master.